

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CIVIL ACTION 2:10-cv-6088-DRD

1	DARE INDUSTRIES, LLC,	:	TRANSCRIPT OF PROCEEDINGS
2		:	
3	Plaintiff,	:	M O T I O N
4		:	
5	-vs-	:	Pages 1 - 22
6	CHICAGO TITLE,	:	
7	Defendant.	:	
8	- - - - -	:	

Newark, New Jersey
January 17, 2012

B E F O R E: HONORABLE DICKINSON R. DEBEVOISE,
SENIOR UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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Attorneys For the Plaintiff

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Attorney for the Defendant

Pursuant to Section 753 Title 28 United States Code, the
following transcript is certified to be an accurate record as
taken stenographically in the above entitled proceedings.

S/Mollie Ann Giordano
MOLLIE ANN GIORDANO
Official Court Reporter
973-220-9465

1 THE COURT: This is Chicago Title's motion. I read
2 the fairly lengthy briefs. One of them as late as this
3 morning. I've read them all, so go ahead.

4 MR. O'DONNELL: Your Honor, this is Chicago -- as your
5 Honor stated --

6 THE COURT: Come on up to the microphone and use it
7 effectively.

8 MR. O'DONNELL: Thank you, your Honor. This is
9 Chicago Title's motion to revoke the pro hac vice admission of
10 Peter C. Stojnik and disqualify local counsel Christopher
11 Humphreys.

12 THE COURT: And you're also moving to vacate local
13 counsel to eliminate them from the case.

14 MR. O'DONNELL: Yes, your Honor.

15 THE COURT: That was not technically set forth in your
16 moving papers. The original motion was a motion to revoke pro
17 hac vice.

18 MR. O'DONNELL: It was a motion to revoke pro hac
19 vice. In the original papers we did have, your Honor, a
20 request that Mr. Humphreys be disqualified as local counsel.
21 He has the responsibility to supervise, and did not do so, your
22 Honor, and that was set forth.

23 THE COURT: Alright.

24 MR. O'DONNELL: We apologize if it was not clearly set
25 forth in the papers.

1 THE COURT: Alright.

2 MR. O'DONNELL: I think it's at issue now, your Honor.
3 I think THERE can be no doubt about the proper notice, your
4 Honor, with regard to this.

5 THE COURT: I don't really want to go through this
6 whole thing all over again. Anything that should be added to
7 the papers THAT we considered the last time we were here, and
8 what's new.

9 MR. O'DONNELL: The only thing that is new --
10 everything is already set forth in the papers, including -- if
11 your Honor has read the papers we originally submitted.

12 THE COURT: I read them this morning.

13 MR. O'DONNELL: Everything is set forth -- everything
14 is set forth, your Honor. The one thing I might want to point
15 out to the Court, if we take a look at the abusive process
16 that's been going on, on January 12th, they submitted papers
17 that stated the application was correct in all respects.

18 THE COURT: The application was what?

19 MR. O'DONNELL: The pro hac vice application was
20 correct in all respects. That's page 6 of their initial
21 papers. Less than three days later, they submitted papers
22 which admitted the pro hac vice application is wrong, it's
23 incorrect, it's inaccurate. They failed to disclose a 1990 --
24 more importantly, it failed to disclose two pending ethics
25 investigations in 2009 claims and 2010 that resulted in a

1 30-day suspension.

2 The other issue I want to point out to the Court is
3 this second brief was submitted to the Court in the January 6th
4 calendar. Peter C. Strojnik said he needed a second brief for
5 the disqualification standard. Again, point two of the initial
6 brief, their initial brief, the disqualification standard is
7 not met here. So it was addressed. So I would just point out
8 to this Court that this second brief from Dare was another
9 attempt to abuse the process, another attempt to flip and
10 change the story, another attempt to say Chicago Title's
11 counsel lied. And there was some type of claim by Peter Macco
12 that made our case an absolute loser. That's not true, your
13 Honor. And now you have my certification submitted this
14 morning that leaves no doubt.

15 Other than that, your Honor, in all candor, absolutely
16 everything is put forth in our papers. The 2009 ethics claim
17 involves two transactions, two clients. The 2010 ethics claim
18 involves one transaction, two complaints. The 2010 claim
19 involves essentially pressuring a witness. And also Arizona
20 indicated that the aggravating circumstances on both were
21 patterns of misconduct. But you've said you've read the papers
22 and I will not belabor a dead horse. Everything is set forth
23 in our papers that say right now the pro hac should be revoked,
24 and there is not one case cited by the plaintiffs that
25 addresses pro hac, except for the PMB case. And in the PMB

1 case, the pro hac was revoked for the ex parte communication.
2 In the True Blood, the Third Circuit stated, at a minimum, the
3 pro hac vice admission should be revoked in that it's a
4 violation of the ethics rule, your Honor. With that, I will
5 save my time for reply.

6 THE COURT: I've read your papers thoroughly, and I've
7 read Mr. Strojnik's papers thoroughly, but let me have your --
8 the response to the motion.

9 MR. CHRISTOPHER: Thank you, your Honor. I am Peter
10 Christopher.

11 THE COURT: Come on up. You're going to have to use
12 the microphone. That would be the advantage of the machinery.

13 MR. CHRISTOPHER: Thank you.

14 THE COURT: Frankly, I see very little to be said on
15 your behalf. Go ahead, try to -- it just seems to me right
16 down the line you haven't been following our local rules.

17 MR. CHRISTOPHER: Your Honor, the certification was
18 fully thorough and it was fully accurate. Mr. Strojnik, my
19 father, was active and in good standing at the time of the
20 certification. The only thing he did not include was a 1990
21 censure based on conduct from the 1980s. And the only reason
22 he did not include that is at that time he did not familiarize
23 himself with the local Civil Rule 101.1C. He was not intending
24 to mislead this Court.

25 THE COURT: But then disciplinary proceedings were

1 going on all this time. The 2009 and 2010 proceeding, you were
2 participating in them as a defense for your father.

3 MR. CHRISTOPHER: Absolutely not, your Honor.

4 THE COURT: And there was an -- the disciplinary
5 action was -- it was between the filing of your application and
6 the granting of the application, the disciplinary action was
7 taken by the Arizona disciplinary authorities.

8 MR. CHRISTOPHER: Let me go through the time line very
9 briefly. This is a very important matter for Dare Investments.
10 Let me go through the time line briefly.

11 As I said, the certification was true, but for the
12 1990 censure. These so-called 2009 claims actually referred to
13 one single disciplinary proceeding. That was initiated after
14 Mr. Strojnik's certification. So let's focus first on Mr.
15 Strojnik's certification. It was true and accurate, and the
16 only thing it did not disclose, it was due to Mr. Strojnik's,
17 quite frankly, embarrassing omission, was the 1990 -- is as old
18 as I am. That's old. That's the certification. The only
19 thing that it did not include was the 1990 censure.

20 Now, the movant points to the so-called 2009 claims,
21 and the so-called 2010 claims. The so-called 2009 claims,
22 plural, is misleading to this Court. It refers to one single
23 disciplinary proceeding that was effectuated --

24 THE COURT: They're listed in their brief, proceedings
25 which took place, order to show cause responses in those

1 claims. They're there. Go on.

2 MR. CHRISTOPHER: Before the certification they were
3 not going on. Mr. O'Donnell even admits himself in his own
4 certification that prior to Mr. Strojnik's certification, these
5 were, quote unquote, an ethics investigation. It is clear in
6 Arizona that a proceeding begins with the filing of a formal
7 complaint.

8 THE COURT: I don't agree.

9 MR. CHRISTOPHER: Arizona rules. Supreme Court --

10 THE COURT: I'm applying my rules, that is the court
11 of New Jersey, New Jersey rules.

12 MR. CHRISTOPHER: I understand. But disciplinary
13 proceeding is the same term used in New Jersey as it is in
14 Arizona. And in Arizona, the disciplinary proceeding begins at
15 the time of the filing of a complaint. Mr. Strojnik was
16 perfectly honest in his complaint. He did not willfully --
17 this is not something that should have been included in his
18 certification, pursuant to a rule. There was nothing that
19 should have been included except for the 1990 censure. It was
20 very clear, pursuant to the papers that we submitted, and
21 pursuant to the rule, that no disciplinary proceedings were
22 pending at the time of Mr. Strojnik's certification.

23 But let me get to Mr. Strojnik in this case. This all
24 boils down to Mr. Strojnik's inadvertent and his failure to
25 review the local civil rule. And that inadvertence, this

1 qualification would greatly, greatly outweigh Mr. Strojnik's
2 inadvertence in that respect.

3 Let me cite to a few Supreme Court rules, your Honor.
4 The Supreme Court has said it must be exercised with restraint
5 and discretion --

6 THE COURT: So what Supreme Court are you talking
7 about?

8 MR. CHRISTOPHER: The United States. The Chambers
9 matter, the Third Circuit has held that the courts must "ensure
10 that the sanction is tailored to identify the harm that is
11 identified." That is the Westinghouse matter. Mr. Strojnik
12 was inadvertent. He didn't review the local rule. He did not
13 intent to mislead this Court. He did not intend to withhold
14 any material information. He did not steel client money. He
15 did not create a conflict. He made a mistake. If the standard
16 of this high -- this grand profession ridded itself of all
17 persons that made an honest error, your Honor, there would be
18 no lawyers. All lawyers would be disqualified. He made an
19 honest mistake.

20 And with respect to a reprimand that occurred during
21 the pendency of this action, what occurred after his
22 certification, Mr. Strojnik incorrectly relied on Rule 72A,
23 Arizona rules in the Supreme Court, in not alerting the Court
24 of the reprimand. It was not due to him intending to mislead
25 the Court. Mr. Strojnik is following Arizona rules for over 30

1 years. They are ingrained in his mind. Ninety-nine percent of
2 his cases are in Arizona.

3 THE COURT: And what's he doing in New Jersey?

4 MR. CHRISTOPHER: Because they're chosen, they're
5 chosen because he has the ability to handle this matter on a
6 contingency basis. He can expend -- advance extremely
7 expensive litigation costs. Their investments search for over
8 two and a half years, after termination of the 2007 matter in
9 Utah, search for two and a half years to find a lawyer. He was
10 initially represented by Jones Waldo, by this very action. He
11 didn't have any money. This is Richard Magrozski, the
12 principal for Dare Investments, he flew 3,000 miles here today
13 to stand by his lawyer's side. A Utah company chose an Arizona
14 lawyer to litigate a New Jersey action. That's how strong his
15 resolve is to choose Mr. Strojnik as his counsel.

16 And this qualification here for Mr. Strojnik's
17 inadvertent error, a mistake that he's embarrassed about, he
18 apologizes to the Court. It was an honest mistake, your Honor.
19 This qualification would greatly outweigh not only his mistake,
20 but their right to freely choose his counsel. I know why we're
21 here today. The movant did not move to disqualify to maintain
22 the high standards of this profession. Absolutely not. The
23 high standards of profession, as I stated earlier, does not rid
24 itself of lawyers who make honest mistakes. The movant made
25 this motion because they would profit. Mr. Strojnik, and Mr.

1 O'Donnell, and Mr. Frasier, are past adversaries with respect
2 to Chicago Title on the same unmarketability issues. Same
3 unmarketability issues.

4 In 2007, in this court, Mr. Strojnik represented
5 Skyland Investments against Chicago Title and right -- Mr.
6 O'Donnell and Mr. Frasier, on the same unmarketability issue.
7 The motive here is not to maintain the high standards. The
8 motive here is to rid themselves of a worthy adversary.
9 There's chosen counsel that is the motivation.

10 And let me just summarize the value that Mr. Strojnik
11 provides to Dare investments. The Court vacated the recent
12 depositions. One of those depositions was of Gordon Duval,
13 which was scheduled for January 19, 2012. Mr. Strojnik flew to
14 Utah. Woke up, brushed his teeth, flew to Utah, interviewed
15 face to face Gordon Duval, and we have an affidavit from Gordon
16 Duval waiting to be signed that says Macco claims are covered.
17 Macco claims are covered. Why else would Dare Investments seek
18 title insurance when all other claims were extinguished by the
19 363 sale? And that's exactly what Mr. Duval has drafted, an
20 affidavit ready to sign.

21 But I just received an e-mail from Mr. Duval saying:
22 I want to see how this -- this issue today, what we're here for
23 today, how it resolves before I sign it. Translation: If Mr.
24 Strojnik isn't on this case, I ain't signing it. Trust, trust
25 between witnesses, third parties. That is the value of

1 lawyers. That is the value of Mr. Strojnik. He has developed
2 interest. He has worked over a thousand hours in this case.
3 He has reviewed thousands, upon thousands, upon thousands of
4 the SEG bankruptcy, 363 sale, the Liccata litigation.

5 This case is not at its inception, it is at its end.
6 And a new lawyer, even assuming Mr. Dare could find a new
7 lawyer, which he can't, assuming he could get up to speed in a
8 timely fashion, which he can't, he still would not provide the
9 value that Mr. Strojnik provides, one of which is his past
10 favorable experience against Chicago Title, against Mr.
11 O'Donnell, against Riker Danzig, on the same unmarketability
12 issues.

13 Your Honor, we pray that the Court recognizes the
14 inadvertence here. It is just that, it is inadvertence. We're
15 not trying to pull the wool over anybody's eyes. The guy made
16 a mistake, and we hope the Court recognizes that. And we pray
17 especially that Dare will probably fall to nothing. Dare prays
18 that the Court gives us leniency and permits Mr. Strojnik to
19 continue.

20 THE COURT: Alright.

21 Mr. Humphreys, is there something you want to say?

22 MR. CHRISTOPHER: Mr. Humphreys is not present.

23 THE COURT: Mr. Humphreys is not here?

24 MR. CHRISTOPHER: No, your Honor. He had to be with
25 his children. He asked me to alert the Court that it was a

1 very important matter with his children. He would not
2 elucidate --

3 THE COURT: Alright. And he waives any -- alright, go
4 ahead, reply.

5 MR. O'DONNELL: Your Honor, the issue with Mr. Duval,
6 none of that is on the record. Dare accused me of seeking to
7 delay depositions and seek ethic charges against me and Mr.
8 Fresnal because Mr. Duval told me the Macco claims were
9 covered, and that's why I filed the rebuttal. The substance of
10 what I talked about -- it's not correct what they're saying Mr.
11 Duval is not relevant for this motion. What is relevant, that
12 was another, and I -- I'll use the word lie, your Honor,
13 because the motion to revoke was filed five hours before I ever
14 spoke to Mr. Duval, and it was announced days before that we
15 would file the motion before Magistrate Shipp. That's another
16 example of a reckless claim that simply is not true.

17 Now, with regard to whether there were investigating
18 proceedings. Obviously we agree with the Court that when an
19 ethics claim is made, that's when it starts. However, it's
20 significant here that the probable cause orders that Arizona
21 has were both filed and served on Mr. Strojnik, Sr. before the
22 pro hac application. Those probable cause orders require a
23 complaint to be filed. The vote was 6 to 0 in each case, your
24 Honor. There is no doubt that Mr. Strojnik, Sr. and Jr.
25 thought about that. You cannot explain the difference between

1 the certifications from Mr. Strojnik, Jr., Peter C. Strojnik,
2 certifies he's not the subject of any pending ethics
3 investigation, and Mr. Strojnik Sr. does not. Mr. Humphreys
4 isn't here to explain what he did to look at that discrepancy.
5 Mr. Humphreys isn't also here to explain when he found out
6 about the ethics investigation. So in that context, your
7 Honor, it's just a blatant falsehood to argue that this was a
8 mistake.

9 Also, this Court was misled, and counsel was misled.
10 Mr. Strojnik asked to have no depositions in December because
11 he was going to take a 30-day vacation that his wife told him
12 he had to take. We were not told about his wife being ill, and
13 we did not disparage his wife. And I would submit to this
14 Court, if you look at the November 17th letter, which is
15 Exhibit 16 to my first certification, Mr. Strojnik basically
16 admits it. He says, on a matter of discovery I shared with you
17 earlier, that I am taking vacation time during the month of
18 December. That's what he says he shared with us. He then goes
19 on to say: I will also take this opportunity to suspend my
20 practice of law to resolve some festering issues with the
21 Arizona State Bar. That's the first time I ever knew he was
22 suspended, and I didn't even know it then. We had to go back
23 and find out what the festering issues were.

24 THE COURT: New Jersey certainly has enough lawyers.
25 They should be able to find someone to take this case on

1 contingency. And, quite frankly, we've heard about the
2 invaluableness of Mr. Strojnik, Sr. However, when they wanted
3 to have the deposition of Gordon Duval, he represented that he
4 could go forward with that deposition, and he could defend this
5 case, even if his father was disqualified. This has now boiled
6 down to a contract case, a policy case. New counsel should be
7 able to find if there's merit. There is not -- this does not
8 prohibit the Court, and preventing counsel from spreading,
9 quite frankly, falsehood after falsehood in the pro hac vice
10 application.

11 And if we take a look at the abuses that have happened
12 just in this court. I'll give you a list, just 10 of them,
13 10-count complaint was filed. Nine of the ten counts were
14 dismissed. A motion for summary judgment was filed. Even
15 before, no effort to waive attorney/client privilege whatsoever
16 until Chicago Title received those documents via a third party
17 subpoena trying to have depositions of critical witnesses
18 before Dare produced a single piece of paper.

19 THE COURT: I really don't want to get into the
20 details of the litigation.

21 MR. O'DONNELL: Understood, your Honor. With that, I
22 will just sit down.

23 THE COURT: Alright. I'll place an opinion -- do you
24 have something else you want to say?

25 MR. CHRISTOPHER: Yes, your Honor, just briefly.

1 THE COURT: Yes.

2 MR. CHRISTOPHER: Thank you.

3 Mr. Strojnik's recent suspension was promptly alerted
4 to the Court. As the Court is aware, Mr. Strojnik sent the
5 Court his certified letter advising of the suspension.

6 With respect to the certification, the only thing that
7 was not included is the 1990 censure, the so-called 2009
8 claims, is one single disciplinary proceeding after the
9 certification. The 2010 claims refers to one July 11
10 proceeding that resulted in the suspension. It did not alert
11 this Court of the reprimand and of the initiation of post
12 certification proceedings because he didn't review the rule.
13 He made a mistake.

14 The movant points to, and I'm going to jump to a new
15 point, and the movant says: I made a representation to Judge
16 Shipp that I can proceed with the deposition. And if that --
17 it looks like the movant says that I can no longer be
18 disqualified, but I must alert the Court to this. I'm a labor
19 and employment lawyer. I'm a civil rights lawyer. I helped
20 folks who have been discriminated against at the work place.
21 I'm not a title insurance lawyer, I'm not capable of handling
22 this. Once more, I don't have the power of the person that Mr.
23 Strojnik has. I can't advance 50 grand, 75 grand in litigation
24 costs. I'm not going to handled this on a contingency basis.

25 Dare Investments has sought out new counsel for over

1 two and a half years. He finally heard of Mr. Strojnik.
2 Dare's case, there's lawyers in New Jersey, there's lawyers in
3 Puerto Rico, Utah. Dare has searched for these lawyers. He
4 couldn't find them, and he couldn't find one as competent as
5 Mr. Strojnik, who has over 30 years experience in insurance
6 law, who is a licensed insurance adjuster, and who has past
7 favorable experiences against the same players, Riker Danzig,
8 on the same unmarketability issues. Dare would be -- I sat
9 down with the Dare principal myself. We sat down with the
10 hotel bar and tavern, and he had the look of a beaten man on
11 his face, to be quite frank. He knows, he knows that if this
12 motion is granted the case is done, your Honor. We pray that
13 the Court recognizes that proportionality between
14 disqualification and Mr. Strojnik's inadvertence. He did not
15 attempt to mislead this Court. This Court ridding itself of
16 Mr. Strojnik would not maintain the highest standard of the
17 profession. It wouldn't, Mr. Strojnik made a mistake, and we
18 pray, we pray, your Honor, that the Court recognizes this. I
19 have nothing further, but. If the Court has any other
20 questions.

21 THE COURT: No.

22 MR. CHRISTOPHER: Thank you.

23 THE COURT: Alright. I'll place an opinion on the
24 record.

25 Plaintiff Dare Investments, LLC, a Utah limited

1 liability company, instituted this action against defendant
2 Chicago Title Insurance Company and others. The case is now
3 before the Court on Chicago Title's motion to revoke the pro
4 hac vice admission of Dare's counsel. Out-of-state counsel
5 admitted pro hac vice are Peter Strojnik, Sr., Esquire, and his
6 son Peter Strojnik, Jr., Esquire. Local counsel is
7 Christopher Humphrey, Esquire. Mr. Humphreys filed a Strojnik
8 pro hac vice application on December 6th, 2010. The
9 application did not list any pending disciplinary proceedings
10 against Mr. Strojnik, Sr., or any prior discipline action
11 imposed against him. In fact, Mr. Strojnik, Sr. has been
12 subject to two Arizona attorney disciplines, a 1990 censure and
13 a 2006 diversion.

14 On December 6th, 2010, Mr. Strojnik, Sr. was the
15 subject of two Arizona disciplinary proceedings, the 2009
16 claims and the 2010 claims, that resulted in four separate
17 counts, based on three different transactions. The
18 disciplinary complaint resulting in the 2009 claims was filed
19 on December 17th, 2010. The pro hac vice application was
20 granted on March 4th, 2011. During the interval between
21 December 6th, 2010, and March 4th, 2011, plaintiff's counsel
22 provided the Court with no information concerning the past and
23 pending disciplinary proceedings concerning Mr. Strojnik, Sr.
24 The disciplinary complaint resulting in the 2000 claim was
25 filed on July 29th, 2011. The Strogics, Senior and Junior. did

1 not advise this Court. Local rule 101.1C-1 governing pro hac
2 vice motions, states: "The motions shall contain a statement
3 certifying that no disciplinary proceedings are pending against
4 the attorney in any jurisdiction, and no discipline has been
5 previously imposed on the attorney in any jurisdiction." The
6 rule imposes a continuing obligation on attorneys admitted pro
7 hac vice, they quote, "they have a continuing obligation during
8 the period of suit -- during the period of such admission
9 promptly to advise the Court of the disposition made of charges
10 or the institution of new disciplinary proceedings". It.

11 Is undisputed that Mr. Strojnik, Sr. failed in his pro
12 hac vice application to certify, as required, that no
13 discipline has previously been imposed on him in any
14 jurisdiction, although such discipline had been imposed on him.
15 He failed to disclose on his application for disciplinary
16 proceedings, referred to as 2009 and 2010 claims, were pending
17 against him. He failed to disclose the filing of the December
18 17th, 2010 complaint against him, and that occurred after he
19 filed his pro hac vice application, but before it was granted
20 on March 4th 2011. Despite his continuing obligation to notify
21 the Court promptly of the institution of the new disciplinary
22 proceedings, he failed to advice the Court of the filing of the
23 July 29th, 2011 complaint until November 21, 2011.

24 Chicago Title alleges transgressions of Mr. Strojnik,
25 Sr. during the course of this litigation as a basis for

1 revoking his pro hac vice admission. There is no need to
2 consider these allegations because Mr. Strojnik's lack of
3 candor with the Court, in contention with his pro hac vice
4 admission alone, requires that it be revoked. The Court has
5 the inherent power to take this action, just as it had the
6 power to admit Mr. Strojnik, Sr. to appear in the court to
7 represent plaintiff. The Court welcomes attorneys admitted in
8 other jurisdictions, but only if they conduct themselves
9 candidly and honorably, which most do. Mr. Strojnik, Sr. did
10 not. Mr. Strojnik, Jr. participated in the Arizona ethics
11 proceedings and was fully aware of them. He's been a party to
12 Mr. Strojnik's lack of candor with the Court, and his pro hac
13 vice admission likewise must be revoked.

14 Mr. Strojnik argued that the Court -- that the client
15 has minimal resources, and is contending with powerful and
16 wealthy adversaries. And if they can no longer represent Dare
17 Investments, Dare will be unable to contest effectively against
18 defendants. Dare's predicament does not justify admitting pro
19 hoc vice attorneys who are unwilling to abide by the Court's
20 rules, and it made false representations to the Court. Local
21 counsel, Christopher Humphreys, Esquire, is a member of the bar
22 of the court. He has not been admitted pro hac vice.
23 Consequently, Chicago Title's motion as originally framed may
24 not technically have applied to him. However, as local
25 counsel, he has an obligation to ensure the good standing of

1 the person he was moving to admit pro hac vice. More
2 importantly, as events unfold here, we're dealing with the
3 unethical matter with the way the Strogics were dealing with
4 the Court to appear here. He did nothing to remedy the
5 situation. And, in fact, continued to participate with the
6 Strogics. This renders his -- this renders him ineligible to
7 continue to act as local counsel in this case.

8 Thus, the motion will be granted.

9 As to Mr. Peter Strojnik, Sr., and Mr. Peter Strojnik,
10 Jr., the order will prohibit Mr. Humphreys from continuing to
11 act as local counsel in the case. The Court will file an
12 appropriate order. That will resolve the motion.

13 MR. STROGIC: Your Honor, may I approach, I need a
14 logistical issue?

15 THE COURT: You had your opportunity.

16 MR. STROGIC: I need to find out if all discovery --

17 THE COURT: You'll have to come up to the microphone,
18 I can't hear you.

19 MR. STROGIC: Your Honor, this is Peter Strojnik. I
20 need to find out if all the discovery deadlines are being
21 continued or whether or not they're not being continued.

22 THE COURT: I'm afraid I'm not hearing you. Pull the
23 microphone closer.

24 MR. STROGIC: How's this? Okay. The only question I
25 have, your Honor, is whether or not the discovery deadlines

1 that have been scheduled, some of which comes up this Friday,
2 are being continued so that Mr. -- Dare Investments can find
3 new counsel, or whether or not they're not being continued.

4 THE COURT: Whether the deadlines are --

5 MR. STROGIC: Correct. Whether the deadlines --
6 whether the Court will invoke some sort of a moratorium on
7 discovery and deadline issues.

8 THE COURT: I think you'll have to take that up with
9 Judge Shipp.

10 MR. STROGIC: Well, I can't, your Honor.

11 THE COURT: WeLL, your -- whoever -- they'll be a
12 stay, temporarily, while you get new counsel. So I'll order a
13 stay of 60 days.

14 MR. STROGIC: Okay.

15 THE COURT: To enable you to get new counsel to appear
16 in the case.

17 MR. STROGIC: Thank you, your Honor.

18 THE COURT: I'll include that in the order.

19 MR. STROGIC: May I also inquire, your Honor, if the
20 order is without prejudice or with prejudice?

21 THE COURT: With prejudice or without prejudice?

22 MR. STROGIC: I'm wondering whether or not it would be
23 appropriate to file another application and make another --

24 THE COURT: It's as prejudicial as it can be. It will
25 be with prejudice.

1 MR. STROGIC: Okay, thank you.

2 THE COURT: Alright. Good. Thank you, very much.

3 MR. O'DONNELL: Your Honor, the deadline for us to
4 file our answer and counterclaim --

5 THE COURT: That will be stayed too. Everything is
6 stayed for 60 days.

7 MR. O'DONNELL: Thank you, your Honor.

8 THE COURT: Alright.

9 (Matter concluded)

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